

PATENT  
Customer No. 22,852  
Attorney Docket No. 09481.0027

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Mark M. RICHTER et al.

Application No.: 09/074,472

Filed: May 7, 1998

For: ASSAYS EMPLOYING  
ELECTROCHEMILUMINESCENT  
LABELS AND  
ELECTROCHEMILUMINESCENT  
QUENCHERS

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Group Art Unit: 1637

Examiner: Gary Benzion

Allowed: July 2, 2004

Confirmation No.: 2284

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MAY 09 2005

OFFICE OF PETITIONS

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR WITHDRAWAL OF PATENT FROM ISSUE**

Pursuant to 37 C.F.R. § 1.313, Applicants hereby respectfully petition the Assistant Commissioner to withdraw the above-identified application from issue. According to the fee schedule set forth in 37 C.F.R. § 1.17(h), please charge the required fee of \$130.00 for consideration of this Petition to our Deposit Account No. 06-0916.

This request for a withdrawal from issue of a prospective United States patent is made for the causes set forth below which it is respectfully submitted constitute good and sufficient reasons for the action sought.

Upon review of the allowed claims, Applicants have concluded that claim 60 could be interpreted to encompass subject matter well known in the prior art, for example, a bottle of benzene, and therefore would not be part of their invention. Applicants request withdrawal from issue of a prospective United States patent to permit the filing of a Request for Continued Examination canceling claim 60. To expedite allowance of the pending claims, Applicants also cancel claims 61 and 62, which depend from claim 60. The subject matter of claims 61 and 62 will be pursued in a continuation application.

In view of the foregoing, Applicants respectfully request that this application be withdrawn from issue.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 9, 2005

By:   
William L. Strauss  
Reg. No. 47,114



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Date: May 9, 2005  
Subject: U.S. Application 09/074,472

**FROM**

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Verified by: G. Wortman

**Total Pages**  
(including cover): 15

Our File No.: 09481.0027

Confirmation Copy to Follow: No

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R § 1.8**

I hereby certify that the following papers are being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date:

1. Petition for Withdrawal of Patent from Issue [2 pages];
2. Request for Continued Examination [1 page]; and
3. Amendment Under 37 C.F.R. § 1.313(c)(1) [11 pages].



William L. Strauss  
Reg. No. 47,114

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